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| 09/764,691      | 01/18/2001  | David W. Bell        | 2047-179            | 6901             |

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EXAMINER

RAEVIS, ROBERT R

ART UNIT

PAPER NUMBER

2856

DATE MAILED: 04/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/764,691

Applicant(s)  
Bell

Examiner  
Robert Raevis

Art Unit  
2856



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 13-18 is/are rejected.
- 7) ☒ Claim(s) 11 and 12 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 20) ☐ Other:

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1. Figure 6 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). ✓

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Long.

Long teaches a mandrel for engagement with the interior wall of a pipette tip, the mandrel including (Figures 3, 5): hollow structure 124; lead-in portion 172/178/176 on a distal end; first cylindrical portion (lower part of element 158) having a band 166 for contacting the interior wall of tip to form a seal; and a second cylindrical portion (upper part of element 158).

As to claim 1; element 158 has portions.

As to claim 2; note the tapering of elements 176, 178 and 168.

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As to claim 3; Long teaches a first cylindrical portion (lower part of element 72) that includes a first raised band 178, lead in portion 180; and second cylindrical portion (upper part of 72 and lower part of 158) that supports a second raised band 166.

As to claim 3; elements 178 and 166 appear to be bands, as at least portions of each extend beyond the cylindrical portions of the mandrel.

As to claim 4; note reference to "seals" (col. 7, line 48).

As to claims 5 and 6; note the tapered portion 168.

5. Claims 7, 8, 13, 16 and 18 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Franke et al.

Franke et al teach (Fig. 3) an assembly, including: tip having a conical head and cylindrical wall; hollow mandrel including a lead in (lowermost) portion, cylindrical portion with a raised band 34.

As to claims 7, 16 and 18; the bead 34 appears to be a band.

As to claim 8; the tip has an internal diameter along its entire length.

As to claim 13; the mandrel includes cylindrical portions both adjacent the bead 34 and adjacent the flange 32.

6. Claims 7-10, 13-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Long.

Williams teaches (Fig. 7) a pipette assembly including both a tip 221 with cylindrical wall and mandrel 17; but positions the seal(s) (band(s)) on the tip and not on the mandrel.

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As to claims 7, 8, 13-18; it would have been obvious to utilize Long's multi-band mounted mandrel in place of William's band mounded tip because Long teaches tat mandrel's may readily carry bands to provide for sealing of a tip to the assembly.

As to claims 9, 10; note the stop 275 of Williams.

7. Claims 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Raevis whose telephone number is (703) 305-4919. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

*Raevis*